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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,535	06/26/2003	A. Bruce Plumley	G48-1382-1	5726

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EXAMINER
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KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,535	PLUMLEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	George R. Koch III	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/12/2004</u>   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of group II, claims 22-36 in the response filed is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22-27 and 29-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Chabirand Garconnet (US Patent 6,521,074).

Chabirand Garconnet discloses an apparatus for forming a laminate comprising a first support surface (Figure 1, item 14), a second support surface (item 10), a means for transferring the work material between the first and second surfaces (item 22, a sub-element of item 10), and a roll of backing material (item 34) rotatably and operably positioned relative to the first and second support surfaces so that during movement of the work material between the first and second support surfaces the backing material

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can be fed from the roll into engagement with a surface defined by the work material to form a laminate.

As to claim 23, Chabirand Garconnet discloses several embodiments (for example, either the embodiment of Figures 5-6, or the embodiment of Figures 7, or the embodiment of Figure 8) for means for applying an adhesive to at least one of the work material and the backing material for bonding the backing material to the work material (see, for example, column 7, line 30 to column 9, line 3).

As to claim 24, Chabirand Garconnet discloses means for compressing the laminate for bonding the backing material to the work material (For example, item 116 in Figure 5, or item 124 in Figure 7, or item 134 in Figure 8).

As to claim 25, Chabirand Garconnet discloses a pair of rollers coupled to the second support surface in the form of roller 42 and the first roller of the conveyor 22 which forms a nip for compressing the laminate (and see especially column 5, lines 13-17).

As to claim 26, Chabirand Garconnet discloses another embodiment (see Figure 9-10, see also column 9, lines 4-57) wherein the roll of backing material includes a layer of adhesive disposed on a surface defined by the backing material for bonding the backing material to the work material.

As to claim 27, Chabirand Garconnet discloses that the work material can be a hide (see column 1, lines 14-15).

As to claims 29-30, Chabirand Garconnet discloses an additional backing material wherein the backing material (such as label 102 - see Figure 5-6) further

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comprises a release layer (item 104) which is further wound onto means for collection (item 108) following removal of the backing material.

As to claim 31, Chabirand Garconnet discloses means for feeding (such as item 42, Figure 1) the backing material between the first and second support surfaces for engagement with the work material.

As to claim 32, Chabirand Garconnet discloses means for separating a second material from a second roll (see Figures 9 and 10, item 148, 150 and especially item 156) following engagement of the backing material with the work material.

As to claim 33, Chabirand Garconnet discloses at least one guide roller adjacent to the backing material for facilitating engagement of the backing material with the work material (for example, item 40, Figure 1).

As to claim 34, Chabirand Garconnet discloses a controller in communication with the first and second support surfaces for controlling the operation thereof (item 68 - see column 5, lines 42-49).

4. Claims 22-27 and 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/15397.

WO 00/15397 discloses an apparatus for forming a laminate comprising a first support surface (Figure 1, item 14), a second support surface (item 10), a means for transferring the work material between the first and second surfaces (item 22, a sub-element of item 10), and a roll of backing material (item 34) rotatably and operably positioned relative to the first and second support services so that during movement of

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the work material between the first and second support surfaces the backing material can be fed from the roll into engagement with a surface defined by the work material to form a laminate.

As to claim 23, WO 00/15397 discloses several embodiments (for example, either the embodiment of Figures 5-6, or the embodiment of Figures 7, or the embodiment of Figure 8) for means for applying an adhesive to at least one of the work material and the backing material for bonding the backing material to the work material.

As to claim 24, WO 00/15397 discloses means for compressing the laminate for bonding the backing material to the work material (For example, item 116 in Figure 5, or item 124 in Figure 7, or item 134 in Figure 8).

As to claim 25, WO 00/15397 discloses a pair of rollers coupled to the second support surface in the form of roller 42 and the first roller of the conveyor 22 which forms a nip for compressing the laminate.

As to claim 26, WO 00/15397 discloses another embodiment (see Figure 9-10, see also page 13, line 36 to page 15, line 5) wherein the roll of backing material includes a layer of adhesive disposed on a surface defined by the backing material for bonding the backing material to the work material.

As to claim 27, WO 00/15397 discloses that the work material can be a hide (see column 1, lines 1-12).

As to claims 29-30, WO 00/15397 discloses an additional backing material wherein the backing material (such as label 102 - see Figure 5-6) further comprises a

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release layer (item 104) which is further wound onto means for collection (item 108) following removal of the backing material.

As to claim 31, WO 00/15397 discloses means for feeding (such as item 42, Figure 1) the backing material between the first and second support surfaces for engagement with the work material.

As to claim 32, WO 00/15397 disclose means for separating a second material from a second roll (see Figures 9 and 10, item 148, 150 and especially item 156) following engagement of the backing material with the work material.

As to claim 33, WO 00/15397 discloses at least one guide roller adjacent to the backing material for facilitating engagement of the backing material with the work material (for example, item 40, Figure 1).

As to claim 34, WO 00/15397 discloses a controller in communication with the first and second support surfaces for controlling the operation thereof (item 68 - see page 11, line 33 to page 12, line 16).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Chabirand Garconnet (US 6,521,074) or WO 00/15397 as applied to claim 22 above, and further in view of Pollard (US Patent 4,199,390).

Neither Chabirand Garconnet or WO 00/15397 suggest that the backing material on the roll includes foam.

Pollard discloses a leather processing apparatus (see column 3, lines 47-50 for a recitation of the use of leather) wherein a backing material of foam is additionally utilized. Pollard discloses that the combination of leather and foam is used in upholstery applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a foam material for the backing material in order to provide for the manufacture of upholstery products.

8. Claim 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Chabirand Garconnet (US 6,521,074) or WO 00/15397 as applied to claim 34 above, and further in view of Chaiken (US Patent 5,487,011).

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As to claim 35, neither Chabirand Garconnet nor WO 00/15397 disclose means for scanning the work material associated with one of the first and second support surfaces.

Chaiken discloses that it is known, in layup fabric cutting operations, to utilize a camera in order to correct for alignment errors (see columns 7-13 in general, and especially column 8, lines 40-45 in specific). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a camera in order to correct for misalignments.

As to claim 36, all of Chabirand Garconnet (item 60), WO 00/15397 (item 60), and Chaiken (item 40) disclose means for cutting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRK

May 20<sup>th</sup>, 2004

George R. Koch III  
Patent Examiner  
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